

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
December 9, 2003
Draft

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Sauls presiding. Present were Commissioners Thaell, Winchester, Proctor, Rackleff, Maloy and Grippa. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan, Jr., and Secretary Mary E. Headley. The meeting was called to order at 5:00 p.m.

Invocation was provided by Commissioner Rudy Maloy followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- Commissioner Grippa presented the attached resolution to Phil Speake in Honor of the Big Bend Chapter of the Association of the U.S. Army (AUSA):

- Commissioner Thael presented the attached Resolution in honor of the National Guard Family Support Group HOOAH. The following members came forward: Karen Swain, President; Nancy Suber, Vice President; Jackie Clemons, Treasurer; Dana Keserley, Secretary; Marty Reeves, Public Information Officer.

- Commissioner Thael presented the attached to Dr. Jean Ainsworth, declaring December 9, 2003 as National Mesothelioma Awareness Day:

- Commissioner Rackleff presented a Resolution to Lee Hartsfield, GIS Director, recognizing the Tallahassee-Leon County GIS Department and staff for receiving the Urban and Regional Information Systems Association's *Exemplary Systems in Government Award* for 2003.
- Commissioner Grippa presented the attached resolution to Margo Flippy, commending her as a Good Samaritan and Outstanding Citizen of Leon County for providing assistance and care to Kris McElhenny, at the time of his accident, and for continuing to show concern and support for the McElhenny family:

- Commissioner Grippa also presented the attached resolution to Sean and Sandy Nyberg, commending them as Good Samaritans and outstanding citizens of Leon County for ensuring that liquid contents from Kris McElhenny's motorcycle did not further injure him, providing vital information about Kris' crash to law enforcement, and for the concern and support they have shown to the McElhenny family.

Consent Agenda

Commissioner Grippa moved, duly seconded by Commissioner Thaelle and carried unanimously, 7/0, to approve the following consent agenda with the exception of Item 1, which was addressed as described:

1. Approval of Minutes for: November 18, 2003 Regular Meeting and September 15, 2003 Joint City/County Special Meeting on the Downtown CRA

Commissioner Proctor referred the September 15th minutes, page 9 of 9 and inquired about the status of the three issues referenced by Mr. Remillard on the CRA (Community Redevelopment Agency). Commissioner Grippa explained that the Board asked him to negotiate issues with City Commissioner Mustian and he had a meeting with him last week. He stated that they both agreed that there should be County Commission representation equal to that of the City, and that he could bring a report back to the Board. Commissioner Proctor also referred to the CRA minutes and indicated that due diligence should have been done before County representatives (Commissioners Proctor and Maloy) were taken off the CRA board. Commissioner Grippa explained that the County could be represented via interlocal agreement as a separate entity, which is being proposed.

Commissioner Proctor also referenced page 4 of 9 and page 8 of 9 of the September 16th CRA minutes and voiced objection to notations showing his comings and goings during the meeting, as well as that of Commissioner Maloy. He stated that other Commissioners in the meeting were leaving and returning and there was no notation in the minutes, therefore it was not done uniformly. Commissioner Grippa concurred that this should be deleted. Chairman Sauls asked if it were appropriate to delete this from the minutes. County Attorney Thiele explained that it could be deleted from the minutes if the departures are brief, but normally the minutes should reflect the goings and comings of members of the Board.

Commissioner Thaelle also noted an error in the September 15th CRA minutes on page 5 of 9, bottom of the first paragraph; "revenues increases could not be tapped for 30 years" not 30 days. Commissioner Thaelle indicated the importance of keeping some level of detail of the comings and goings of Commissioners if it involved an extended amount of time. He suggested that the County Attorney look at this issue.

The Board briefly discussed the CRA and Commissioner Grippa explained that OMB was calculating some figures and there would be equal participation, money-wise, from the City and the County.

Commissioner Proctor moved and was duly seconded by Commissioner Grippa to approve Options 1 and 2: 1) Approve the minutes for the September 15, 2003 Special Joint City/County CRA Meeting, with deletion of Commissioners Proctor and Maloy coming and going, and the correction regarding the length of time revenue increase could not be tapped; 2) Approve the minutes for the November 18, 2003 Regular Meeting. The motion carried 7-0. Commissioner Thael requested that the Minutes be agendaed for review.

2. Approval of Bills and Vouchers Submitted for December 9, 2003 and Pre-Approval of Bills and Vouchers Submitted for December 10 through January 12, 2003

Option 1: Approve payment of bills and vouchers submitted for approval for December 9, 2003, and pre-approve payment of bills and vouchers for the period December 10, 2003 through January 12, 2004: \$3,439,980.53

3. Approval of an Addendum to the Parks and Recreation Agreement with the City of Tallahassee to Eliminate the Differential Participation or Use Fees for Residents in the Unincorporated Area

The Board approved Option 1: Approve the addendum to the Parks and Recreation Agreement with the City of Tallahassee to eliminate the differential participation or use fees in the amount of \$93,750 for the remainder of FY03/04 and \$125,000 for FY04/05 and the attached associated budget amendment:

4. Approval to Enter into an Interlocal Agreement for Membership with the Florida Municipal Loan Council

The Board approved Option 1: Approve the attached Resolution R03-72 and the Interlocal Agreement authorizing participation in the Florida Municipal Loan Council and authorize the Chairman to execute:

5. Authorization to Enter into an Agreement with the Cultural Resources Commission in the Amount of \$75,000 for the Cultural Plan Implementation

Option 1: Approve the Agreement with the Cultural Resources Commission for funding of the implementation of the Cultural Plan in the amount of \$75,000 and authorize the Chairman to execute.

6. Approval to Submit an Application for a 2003/2004 Florida Department of Health, Bureau of Emergency Medical Services Matching Grant

The Board approved Option 1: Approve the submittal of the 2003/2004 Florida Department of Health, Bureau of Emergency Medical Services Matching Grant application, and authorize the Chairman to Execute.

7. Approval to Sign, on a Quarterly Basis, the Cover Letter Required by the Florida Department of Law Enforcement to Utilize the Program-Generated Income from the Enhanced Pretrial/Probation Program

The Board approved Option 1: Authorize the Chair to sign, on a quarterly basis, the cover letter as required by the Florida Department of Law Enforcement to utilize the program generated income from the Enhanced Pretrial/Probation Program.

8. Acceptance of the Investment Oversight Committee's FY 2003 Annual Investment Report

Chairman Sauls acknowledged Randy Pople, Chairman of the IOC and thanked him and the other committee members for doing such thorough work.

The Board approved Option 1: Accept the Investment Oversight Committee's FY 2003 Annual Investment Report for Leon County.

9. Ratification of Board Actions Taken at the November 18, 2003 Workshop on the Mahan Drive Corridor Study

The Board approved Option 1: Ratify Board actions taken at the November 18, 2003 workshop granting conceptual approval of the proposed land use framework for the Mahan Drive Corridor Study Area. See attachment:

10. Approval of Proposed Amendments to the Bylaws of the Tallahassee-Leon County Planning Commission/Local Planning Agency

The Board approved Option 1: Approve the Tallahassee-Leon County Planning Commission/Local Planning Agency Bylaws, as amended by the Planning Commission.

11. Approval to Award a Housing Rehabilitation Contract of Pagel Construction Company, Inc. in the Amount of \$34,500

The Board approved Option 1: Approve the bid award to Pagel Construction in the amount of \$34,500 for housing rehabilitation.

12. Approval to Renew Intergovernmental Transfer Agreement Between Leon County and State of Florida and Approval to Renew Agreement Between Leon County and Tallahassee Memorial HealthCare, Inc.

The Board approved Options 1 and 2: (1) Approve the renewal of the Intergovernmental Transfer Agreement between Leon County and State of Florida and authorize the Chairman to execute (2) Approve the renewal of the Agreement between Leon County and Tallahassee Memorial HealthCare, Inc. for the provision of primary care healthcare services and authorize the Chairman to execute.

13. Approval to Issue a Certificate of Public Convenience and Necessity to Tallahassee Memorial HealthCare, Inc. to Provide Only High Risk Neonatal, Infant and Pediatric Emergency Medical and Transport Services and On-Campus, Non-Medically Necessary Inter-Facility Transports Within Leon County

The Board approved Option 1: Approve the issuance of a Certificate of Public Convenience and Necessity to Tallahassee Memorial HealthCare, Inc. to provide only high risk neonatal, infant and pediatric emergency medical and transport services and on-campus non-medically necessary inter-facility transports within Leon County and authorize the Chairman to execute.

14. Acceptance of Operation Step Up Grant of \$15,000 and Approval to Sub-Contract with the Capital Area Chapter of the American Red Cross in the Amount of \$15,000

The Board approved Options 1 and 2: (1) Accept the grant from Volunteer Florida, Governor's Commission on Community Service, in the amount of \$15,000, approve the associated Sub-grant with

the Capital Area Chapter of the American Red Cross, and authorize the Chairman to execute contracts. (2) Approve the renewal of the agreement between Leon County and Tallahassee Memorial Health Care, Inc., for the provision of primary care health care services and authorize the Chairman to execute.

15. Extend the County's Federal Lobbying Services Contract for a Term of One Year

The Board approved Option 1: Approve a one-year extension to the existing contract with Patton Boggs, LLP for the provision of federal lobbying services during 2004, for a sum of \$500,000 and authorize the County Administrator to sign this contract extension.

16. Approval and Acceptance of a conservation Easement from James R. Thompson, Sr.

The Board approved Option 1: Approve and accept for recording the Conservation easement granted by James R. Thompson, Sr.

17. Approval of Agreement with Structural Preservation Systems, Inc. for Preliminary Concrete Testing Services Needed to Proceed with the Design/Build of Repairs and Reinforcement to the Leon County Courthouse Parking Garage

The Board approved Options 1 and 2: (1) Approve a standard-form Agreement with Structural Preservation Systems, Inc., for preliminary concrete testing services, using the fixed base cost method, needed to proceed with the design/build of repairs and reinforcement to the Leon County Courthouse Parking Garage. (2) Authorize the Chairman to execute the Agreement.

18. Approval of a Standard-Form Agreement with Barnett-Fronczak Architects for Architectural, Engineering and Interior Design Services for the Renovation of Bank of America Buildings

The Board approved Options 1 and 2: (1) Approve a standard-form Agreement with Barnett-Fronczak Architects for architectural, engineering and interior design services to provide space programming and building design services for renovation of the Bank of America buildings. (2) Authorization for the Chairman to execute the agreement.

19. Approval of Agreement with Council Contracting, Inc. for Environmental Abatement and Demolition of the McCord/Host

House and Complete Construction of a New Northeast Branch
Library Parking Lot for a Total Amount of \$153,895

The Board approved Option 1: Approve the proposed Agreement with Council Contracting, Inc., with Change Order #1 at a cost of \$153,895 and authorize the Chairman to execute the Agreement.

20. Approval of Agreement with Progress Energy Company in the Amount of \$150,519 for a Technical Energy Audit of County Facilities

The Board approved Options 1 and 2: (1) Approve the Agreement with Progress Energy Company in the Amount of \$150,519 for an investment-grade technical energy audit of all County facilities. (2) Authorize the Chairman to execute the agreement.

21. Request to Schedule a MIS Technology Update Workshop for Tuesday, January 27, 2003 from 2:30 to 4:00 p.m.

The Board approved Option 1: Schedule a MIS Technology Update Workshop for Tuesday, January 27, 2004 from 2:30 to 4:00 p.m.

22. Approval to Award the Purchase of a Petersen Lightning Loader to Truck Equipment Sales, Inc., in the Amount of \$40,068

The Board approved Option 1: Approve the award of bid to Truck Equipment Sales, Inc. in the amount of \$40,068 for the Purchase of Peterson Lightning Loader.

23. Ratification of Board Actions Taken at the Workshop on the Tharpe Street Corridor Study Progress Report and Three Alternative Designs Held on November 18, 2003

The Board approved Option 1: Ratification of the November 18, 2003 Tharpe Street Corridor Study Progress Report and Alternative Designs.

24. Acceptance of the Florida Department of Environmental Protection's Waste Tire Grant for FY 2003/2004 in the Amount of \$27, 888

The Board approved Option 1: Accept the Florida Department of Environmental Protection's Waste Tire Grant for FY2003/2004 in the amount of \$27,888 and approve the Resolution and associated Budget Amendment Request.

25. Acceptance of the Maintenance Agreement and Maintenance Bond from Jimmie Crowder Excavating and Land Clearing, Inc. for Martin Hurst Road

Option 1: Approve the Maintenance Agreement and accept the Maintenance Bond from Jimmie Crowder Excavating & Land Clearing, Inc. for Martin Hurst Road and authorize the Chairman to execute.

26. Authorization to Negotiate a Contract with Sutron Corporation for the Implementation of the Capital Area Flood Warning Network

The Board approved Option 1: Authorize staff to negotiate a contract with Sutron Corporation for the implementation of the Capital Area Flood Warning Network.

27. Approval to Record Replat of Lot 10, Block DD, Land Subdivision, Killearn Lakes Unit IV

The Board approved Option 1: Approve the recording of the Replat of LANS Subdivision Lot 10, Block DD in Killearn Lakes Unit IV into the public records of Leon County.

28. Approval to Award Bid to Florida Transcor Inc. for the Purchase of a Pavement Marking and Removal System in the Amount of \$56,620

The Board approved Option 1: Award the bid to Florida Transcor, Inc. for a pavement marking and removal system in the amount of \$56,620.

29. Travel Request for Commissioner Cliff Thael to Attend National Association of Counties (NACo) Legislative Conference in Washington, D.C. on February 25-March 2, 2004

The Board approved Option 1: Approve travel expenses requested.

Citizens to be Heard on Non-Agendaed Items (3-minute limit: non-discussion by Commission)

Ed Morgan, 2234 Springview Trail, Tallahassee, appeared and stated that he has a petition with 32 names opposing the proposed park at Lake Henrietta, off Springhill Road, and pointed out that the lake contains polluted water and is a water garbage dump. He suggested that the money earmarked for the lake be used instead for cleaning up Lake

Munson and Old Silver Lake which is located off of Ridge Road (behind Jake Gaither Golf Course) and to improve drainage in the Woodville area.

Scott Grant, 1796 Vineyard Way, Tallahassee, President of the Homeowners Association in the Vineyards, approximately 70 homes, spoke of his concern about the City's decision to route a high pressure transmission lines down Mahan Drive. He advised that he emailed his concerns to the Board and stated, for the record, that his concerns have to do with safety, diminishing property values, and degradation of the aesthetics of the gateway area. He asked that the County represent the citizens and have the route rethought or have the lines buried in the gateway area.

At this time the Board entered discussion under Public Hearing, Item 40.

General Business

30. Consideration of Request for Reimbursement of Attorneys Fees and Costs, Pursuant to Policy 03-02, by Commissioner Rudy Maloy

This agenda item is the determine whether to approve the request for reimbursement of attorney's fees and costs by Commissioner Rudolph Maloy pursuant to Board of County Commissioners Policy No. 03-02.

County Attorney Thiele summarized the issue before the Board and gave background information. On November 18, 2003, the County Attorney's Office received correspondence from Bruce A. Minnick, Esq. requesting on behalf of Commissioner Rudolph Maloy, reimbursement of legal fees and costs. Such costs were incurred by Mr. Minnick as a result of defending Commissioner Maloy regarding: Rudy Maloy, Complaint No. 01-011 before the Florida Commission on Ethics. The correspondence included detailed billing statements and constitutes an initial request for \$139,008.30. According to Mr. Minnick, there was additional fees owed by Mr. Maloy that the Minnick law firm has yet to enter in the billing statements and the final statement would be forthcoming. On November 25, 2003, the County Attorney's Office received correspondence from Mark Herron, Esq., requesting on behalf Commissioner Maloy reimbursement of legal fees and costs. Such costs were incurred by Mr. Herron as a result of his representation of Commissioner Maloy *In re: Rudy Maloy*; Complaint No. 01-011, also before the Florida Commission on Ethics. The correspondence includes detailed billing statements and the request from Mr. Herron seeks \$2,733.09 and \$51,208.67 to the law firm of Messer, Caparello & Self, P.A. Mr. Thiele advised

that he received a follow-up letter from Mr. Minnick dated December 4, 2003, which was distributed as additional information.

The following citizens appeared:

Frank Govett, 1629 Hill N Dale S, indicated that Commissioner Maloy's actions did not go along with his duties as a Commissioner. He voiced opposition to paying the fees and costs and urged the Board to file a counter suit.

Ed DePuy, 1104 Coe Landing Road, appeared and asked the Board to remain resolute in denying payment of attorney fees and costs for Commissioner Maloy. He pointed out that the taxpayers of Leon County do not want to bear the burden for this bill.

Greg Patterson, 2770 Thornton Road, Tallahassee, CONA, urged the Board to stand up for the people of Leon County and not pay the legal fees.

Commissioner Maloy voiced his apology to the Board and the citizens for problems arising from the Ethics complaint. He explained that he was wrongfully accused and urged the Board to follow its policy and to pay the fees as requested.

Commissioner Grippa asked if the Board wins the lawsuit, is it entitled to recover attorney's fees. County Attorney explained that it was not an entitlement, although, he would probably seek attorney's fees. Commissioner Grippa also wanted to know if the \$30,000 insurance deductible for the sexual harassment case against Commissioner Maloy was refunded by Commissioner Maloy as requested by the Board. Mr. Thiele explained that Commissioner Maloy has not paid the amount and has not responded to the County's request for payment. Commissioner Grippa suggested that the Board seek payment of the \$30,000 deductible and attorney's fees for the lawsuit.

Commissioner Grippa also wanted to know if legal services, the assignment and other maneuvers that occurred, violates the "gift law." He raised the question: Can free legal advice be given and then be signed over to an attorney; can the bill be discounted; is this a violation of the gift law? Commissioner Grippa requested that legal staff provide an analysis on these specific issues and a method to get the deductible back.

County Attorney Thiele provided a brief explanation of Board Policy No. 03-02 which provides for reimbursement of expenses that commissioners and other officials of the County incur when they defend themselves against allegations arising out of their official duties which served a public purpose, and are successful. County Attorney Thiele pointed out that there are three criteria that must be met for reimbursement of attorneys fees and costs in the law suit: 1) successfully defended; 2) in the course of performing official duties in the capacity of employment, and 3) while serving a public purpose.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to approve Options 3 and 4: (3) Deny the request for reimbursement of attorney's fees and costs submitted on behalf of Commissioner Maloy by Bruce Minnick, Esq. (4) Deny the request for reimbursement of attorney's fees and costs submitted on behalf of Commissioner Maloy by Mark Herron, Esq. The motion carried 5-1 (Commissioner Proctor opposed and Commissioner Maloy abstained from voting upon the advise of counsel. See attached Voting Conflict Form:

31. Approval of Resolution the Setting of the emergency Medical Services (EMS) Rates to be Charged for EMS Services and Other EMS Related Issues

This item is a request to approve a resolution setting the Emergency Medical Services (EMS) rates and authorize the hiring of seven (7) additional paramedics/EMTs. This item also establishes the Medical Director as a County position, rather than a contractual agent, to avoid insurance costs and liability complications.

Commissioner Proctor moved and Commissioner Winchester seconded for Options 1,2,3,4 and 5 (with the change noted in the revised recommendation, Option 3 noted in underline): (1) Approve the attached Resolution No. R03-73 establishing the EMS Rates. (2) Authorize the hiring of 7 additional paramedic/EMT's. (3) Authorize the waiving of the purchasing policy requirements as necessary to allow the County Administrator to purchase any necessary equipment for the implementation of Emergency Medical Services system prior to the January 13, 2004 Board meeting. (4) Authorize staff to establish the position of Medical Director and execute the First Amendment to the Medical Director Services Agreement. (5) Approve the proposed Leon County EMS organizational structure. The motion carried unanimously, 6/0 (Commissioner Grippa was out of chambers).

32. Consideration of Mid-Year Funding Request of \$4,000 by Mike Vasilinda Productions, Inc. for the "Welcome to Tallahassee" DVD

Commissioner Thaell moved, duly seconded by Commissioner Winchester and carried unanimously, 5/0 (Commissioners Maloy and Grippa were out of chambers), to approve Option 1: Approve mid-year finding request by Mike Vasilinda Productions, Inc. in the amount of \$4,000 for the "Welcome to Tallahassee" DVD project, and approve the attached Budget Amendment Request: (Later in the meeting, Commissioners Maloy and Grippa requested that their vote reflect the affirmative.)

33. Consideration of Mid-Year Funding Request of \$2,500 from the Frenchtown Neighborhood Improvement Association for the Annual *Soul Santa Event* and Consideration of Mid-year Funding Request from Second Chance to Make First Impressions of \$2,500 to Host a *Christmas Festival Toy Drive*

The Board engaged in discussion regarding the request and noted that they submitted a request this year but in the past, funds had been raised through the private sector. Commissioner Thael cautioned the Board about spending money from the General Contingency Fund when it may be needed to pay for Commissioner Maloy's attorneys' fees. He stated that he would bring this issue up under "Discussion by Commissioners" at the end of the meeting.

Commissioner Winchester moved and was duly seconded by Commissioner Proctor to approve Option 1: Approve funding for the Frenchtown Neighborhood Improvement Association and the Second Chance to Make First Impressions in the amount of \$2,500 each from the General Fund Contingency Account and approve the associated budget amendment in the amount of \$5,000.

Commissioner Thael moved a substitute motion and was duly seconded by Commissioner Rackleff to approve Option 1, but if the funds could be raised in the private sector, that the \$5,000 from General Fund Contingency not be distributed. Following some discussion, Commissioner Rackleff withdrew his second, therefore the motion was declared dead for lack of a second.

The original motion to approve Option 1 carried unanimously, 7/0.

See attached budget amendment:

34. Consideration of Voluntary Annexation of Briarwood Manor Phase I and II, Approximately Twelve (12) Acres Located on Shelfer Road

This item involves Board review and consideration of a proposed voluntary annexation petition by the owner of approximately twelve (12) acres located on Shelfer Road.

It was noted that City staff has been working with the property owner concerning the owner's voluntary annexation petition of approximately twelve (12) acres located on Shelfer Road. Briarwood Manor consists of 21 apartment buildings with 145 units. A public hearing for the proposed annexation is scheduled with the City on December 10, 2003.

Jack Wolff, 265 Ross Road, Tallahassee, spoke in favor of the annexation and stated that the annexation would allow City services to be provided to the area and the citizens are agreeable to the annexation.

Commissioner Winchester moved and was duly seconded by Commissioner Thael to approve Option #1: Do not object to the voluntary annexation of approximately twelve (12) acres located on Shelfer Road (Briarwood Manor Phases 1 and 2).

The Board engaged in discussion regarding the outcome of the County's objection to the previous annexation (Southern Triangle) and the mediation process.

Following additional discussion, Commissioner Proctor moved a substitute motion which was duly seconded by Commissioner Grippa to approve Option 1, contingent upon the outcome of the mediation of the previous Southern Triangle Voluntary Annexation request, and subject to meeting the requirements of the Florida Statutes. The motion carried unanimously, 7/0.

Commissioner Rackleff questioned the County Attorney about the consequences of the vote on the substitute motion.

Commissioner Rackleff moved and was duly seconded by Commissioner Winchester to reconsider the vote on the substitute motion. The motion failed 2 – 5 (Commissioners Sauls, Thael, Maloy, Proctor and Grippa voted in opposition).

The vote to approve Option 1, contingent upon the outcome of the mediation of the previous Southern Triangle Voluntary Annexation

request, and subject to meeting the requirements of the Florida Statutes was sustained. The vote carried 5 – 2 (Commissioners Winchester and Rackleff voted in opposition).

35. Consideration of Voluntary Annexation of GIBB Village/Oak Ridge Townhouses, Approximately Eleven (11) Acres located on the North Side of Ross Road

This item involves Board review and consideration of a proposed voluntary annexation petition by the owner of approximately eleven (11) acres located on the north side of Ross Road.

Jack Wolff, 265 Ross Road, Tallahassee, spoke in favor of the annexation.

Commissioner Proctor moved and was duly seconded by Commissioner Grippa to approve Option 1 (with the contingency/condition as underlined): Do not object to the voluntary annexation of approximately eleven (11) acres located on the north side of Ross Road (Gibb Village/Oak Ridge Townhouses); contingent upon the outcome of the mediation of the previous Southern Triangle Voluntary Annexation request, and subject to meeting the requirements of the Florida Statutes.

Commissioner Rackleff moved a substitute motion, duly seconded by Commissioner Winchester to approve Option 1, without the conditions. The substitute motion carried 5 - 2 (Commissioners Grippa and Proctor voted in opposition).

36. Acceptance of Report on the Feasibility and Cost Analysis of Private Aids to Navigation on Lake Talquin

This agenda item requests acceptance of a report that examines various options, as well as the related feasibility and costs, of providing channel markers on Lake Talquin as private navigational aids (PATON) to the boating public.

Commissioner Winchester moved and Commissioner Thael moved for Option 1 (with the change as underlined): Accept the report on the feasibility and cost analysis of private aids to navigation on Lake Talquin and initiate no action (Option 1) at this time request staff look at availability of Florida Wildlife Commissioner (FWC) grant funds for this project, and discuss Option 2 at budget time. The motion carried unanimously, 6/0 (Commissioner Proctor was out of Chambers).

37. Approval of Countywide Flooded Property Acquisition Program
Funding Source and Acceptance of Prioritized Acquisition List

The Board is requested to approve a funding source to acquire property throughout the unincorporated area and accept a prioritized list of applications combining the Southside and Countywide acquisition program.

County Administrator Alam gave an overview of the agenda item. On October 28, 2003, the Board directed staff to identify alternative sources for funding the program including existing projects currently budgeted which could be deferred to later years, evaluate County-owned property for possible sale of surplus lands to generate revenue for the program, bonding scenarios for the Communications Services Tax (CST) revenue or pledges which could be used to accelerate the acquisition of the flooded property.

County Attorney Thiele reminded the Board about his concern with hypothetical appraisals and that the purchase of the homes on the acquisition list must serve a public purpose; the purchase of a home, for public purpose, must fit in with the County's overall flooding Capital Improvement Plan.

Commissioner Grippa inquired about the number of Southside homes that the County has purchased and wanted to know if they meet the "public purpose" standard. Tony Park, Director of Public Works, responded that 13 homes have been purchased and 11 met the criteria for public purpose.

A lengthy discussion ensued and Teresa Heiker, Stormwater Engineer, was present and responded to the Board's inquiries.

The following citizens appeared:

Fran Sullivan Vause, 7600 Mill Pond Loop, spoke about four families that she represented and how living in a home that has been flooded was unhealthy. She requested that the Board move forward with the acquisitions.

Marlene Jefferson, 1838 Homewood Road, requested that Leon County provide assistance for flooded property.

Alex Bell, 2001 Longview Drive, indicated that most of his neighbors did not have the forms to apply for purchase of their flooded property.

Cynthia Ponder, 6702 Chevy Way, stated that she has been patiently waiting for assistance.

Commissioner Grippa moved to approve Options 1, 3, and 4:

- 1) Accept the prioritized Countywide Flooded Property Acquisition List; 3) Select properties from surplus lands for further evaluation; 4) Direct staff to bond the CST revenues to accelerate the acquisition program. The motion was declared dead for lack of a second.

Commissioner Winchester moved and was duly seconded by Commissioner Thael to continue the item to allow staff time to respond to information from existing applications; staff is to provide a status report at the January 27, 2004 meeting; bring back a final Flooded Property Acquisition priority list at the February 24, 2004 Board meeting that only includes homestead properties and does not include rental properties, commercial properties, vacant lots or publicly-owned properties.

Commissioner Grippa moved a substitute motion, seconded by Commissioner Proctor, to reopen the application process, sell County property, take back \$10 million set aside for the Gaines Street Project and direct staff to bring back a plan to sell County property. Commissioner Grippa then withdrew his motion.

Following some discussion, Commissioner Grippa moved a substitute motion, seconded by Commissioner Thael, to approve Options 1, 2, and 3 as amended (shown in underline): 1) Accept the prioritized County-wide Flooded Property Acquisition List to only include homestead properties; 2) Direct staff to proceed with the acquisition program using the Communications Services Tax increment as funds accrue rather than bonding the CST revenues; 3) ~~Select properties from surplus lands for further evaluation.~~ Staff is to bring back a plan to review the County's surplus lands for further evaluation and consideration of sale. The Board also directed that the County Attorney bring back a policy amendment regarding the appraisal process for the flooded Property Acquisition Program, and direct GEM staff to bring back an agenda item on the proposed Volume Control Ordinance.

The substitute motion carried unanimously, 7/0.

38. Acceptance of a Petition for a Sewer Utility 2/3 Project for Residential Lots Along Beech Ridge Trail in Killlearn Lakes Unit I and Schedule the First Public Hearing for Tuesday, January 13, 2004 at 6:00 p.m.

This item is requesting acceptance of a petition for a sewer utility 2/3 project for residential lots along Beech Ridge Trail in Killearn Lakes Unit I and to schedule the first public hearing for January 13, 2004. The property owners along Beech Ridge Trail have submitted a sewer utility petition for consideration by the Board.

Commissioner Grippa moved, duly seconded by Commissioner Thaell and carried unanimously, 6/0 (Chairman Sauls was out of Chambers), to approve Options 1 and 2: 1) Accept the Petition for a Sewer Utility 2/3 Project for Residential Lots Along Beech Ridge Trail in Killearn Lakes Unit I; 2) Schedule the First Public Hearing for January 13, 2004. (Chairman Sauls later recorded her vote in the affirmative.)

39. Expiration, Vacancies and Appointments to: Dorothy C. Spence (Chaires) Community Center Board of Directors, GEM Citizens User Group, Human Services Grants Review Committee, Library Advisory Board, Neighborhood Recognition Committee, and Woodville Recreation Council
 1. Dorothy C. Spence Community Center Board of Directors
Commissioner Maloy appointed Gaile Cardin. Commissioner Winchester continued his appointment.
 2. GEM Citizens User Group
Commissioner Proctor continued his appointment.
Chairman Sauls appointed Linda Jamison.
 3. Human Services Grants Review Committee
Commissioner Grippa reappointed Brian Elzweig.
Commissioner Maloy continued his appointment.
Commissioner Proctor continued his appointment.
Commissioner Rackleff Reappointed Bev DeMello.
Commissioner Sauls reappointed Billy Holder.
Commissioner Thaell reappointed Anita Davis.
Commissioner Winchester reappointed Steve MacArthur.
 4. Library Advisory Board
Commissioner Grippa reappointed Barbara Taff.
Commissioner Maloy continued his appointment.
Commissioner Winchester reappointed Florence Brainerd.
 5. Neighborhood Recognition Committee

Commissioner Grippa reappointed T.J. James.
Commissioner Sauls reappointed Betty Roberts.
Commissioner Rackleff reappointed Sandy Zera.

6. Parks and Recreation advisory Team
Commissioner Maloy appointed Veronica Daniels.
Commissioner Thaell appointed Drew Brennan.
7. Woodville Recreation Council
Commissioner Maloy appointed Wendy Barber.
Commissioner Winchester appointed Mary Martin.

Add-On Item: Approval of Change Order for Courthouse Caulk and Seal Project to Kinney Contractors, Inc., in the Amount of \$204,789

Commissioner Thaell moved, duly seconded by Commissioner Maloy and carried 5 – 2 (Commissioners Proctor and Grippa voted in opposition), to approve Option 1: Approve the change order requests for Courthouse caulk and seal project to Kinsey Contractors, Inc., in the amount of \$204,789.

Add-on item: Consideration of Mid-Year Funding Request in the Amount of \$35,000 from Capital City Preparatory Schools

Pastor Norman Barr, Principal/CEO of Capital City Preparatory Schools, appeared and briefly explained that the nonprofit school serves 102 students, grades pre-kindergarten through grade 12, and the need for the funding due to a shortfall.

Commissioner Rackleff moved and was duly seconded by Commissioner Winchester to approve Option 1: Do not approve the funding request.

After further discussion, Commissioner Grippa moved a substitute motion, duly seconded by Commissioner Proctor and carried 5 – 2 (Commissioners Sauls and Thaell voted in opposition) to continue this item until January 13, 2004 to give staff time to conduct an analysis.

Scheduled Public Hearings, 6 p.m.

40. Continuation of the First and Only Public Hearing on the Re-granting of Vested Development Rights for the Sam's East (a.k.a. Sam's Warehouse Club) and Doris Hastings' Properties, Pursuant to Section 10-99(d) of the Land Development Code

This item was continued from the November 18th Board meeting. County Administrator Alam explained that staff's recommendation is that this item be continued to the January 27th meeting. This would allow the applicant's representatives to address some issues with County staff.

Commissioner Winchester moved and was duly seconded by Commissioner Maloy to continue this item to January 27, 2004 at 6:00 p.m.

The Chairman asked that citizens make their comments at the January 27th meeting and if someone cannot attend, they should submit their comments in writing. Commissioner Winchester advised that prior to the public hearing there would be a public meeting for informational purposes such as discussing the results of the site plan research investigation.

Commissioner Thael asked that the public meeting be publicly noticed so that Commissioners can attend and participate. He referred to the agenda request and asked that staff bring back information about the process which resulted in a recommendation to approve the re-granting of vested development rights and then later, upon reconsideration of the documents submitted by the applicant, staff no longer recommended approval of the request. The information would be provided in the January 27th agenda item.

Mr. George E. Lewis, II, 203 N. Gadsden Street, stated that he would like to respond to comments made by Commissioner Thael regarding staff's recommendation. The Chairman asked that he submit his concerns in writing and make available to the Board.

The motion carried unanimously, 7/0.

41. Second and Final Public Hearing to Adopt a Proposed Revision to Leon County's Temporary Uses Regulations Regarding Temporary Events of Public Interest

Pursuant to legal advertisement, the second and final public hearing was conducted to revise the County's Temporary Uses regulations as they relate to temporary events of public interest.

The following citizens appeared:

Becky Subrahmanyam, 1257 Cornerstone Lane, circulated documents to the Board, which included a temporary use

ordinance that she found online from Putnam County. She felt that it would be a good example for Leon County, and made suggestions to enhance the regulations. Mrs. Subrahmanyam also read an email that she had sent to Commissioners.

Louis A. Maige, 1250 Dove Roost Tr., Tallahassee, spoke about the peace and tranquility of a neighborhood and how the proposed ordinance would adversely affect that. He suggested that the ordinance be reviewed further.

C.B. Subrahmanyam, 1257 Cornerstone Lane, Tallahassee, urged the Board to review the ordinance carefully so that rural neighborhoods could be protected.

Gregg Patterson, 2770 Thornton Road, Tallahassee, remarked that the proposed ordinance could open a Pandora's box of unintended events and suggested that more controls be put in place. He was concerned about rock concerts and racetracks being allowed noting that the proposed ordinance would allow four events per year, 15 days each time.

Chairman Sauls suggested that the ordinance needed more work and that the 1,000 feet setback from residential property should be reinserted in the ordinance instead of the proposed 500 feet.

David McDevitt, GEM, explained that the proposed ordinance is the recommendation of the GEM citizen user group and the Sheriff's Department. He recalled how this issue evolved: There were several events including a motorcycle rally which did not come to the County for temporary permits because the County did not have any authority to permit them. Staff was getting input from the Sheriff's Department that they did not have the ability to intervene and the County Administrator did not have the authority about what types of events could not be permitted. This was the reason that the Board directed staff to look at temporary permits and develop the ordinance, which sets guidelines and controls, i.e. how often can temporary permits be issued and what is the duration of the temporary permits.

County Attorney Thiele explained that temporary uses in the proposed ordinance are currently restrictive and if the Board wishes to be more restrictive, they should direct staff to go back and increase the restrictions. If the Board does not adopt the proposed ordinance, most of the temporary uses would be totally unregulated. Mr. Thiele suggested adopting the proposed ordinance so there would be something in place to make temporary

uses more compatible and restrict the negative impact on adjacent property.

County Administrator also recommended that the Board adopt the ordinance and that David McDevitt, GEM, would meet with individual Commissioners to determine how much more restrictive they want the ordinance to be and then bring it back in the future with changes.

Commissioner Proctor raised some questions and suggested that the ordinance not be over restrictive, since there were not many recreational activities in Tallahassee and there are a lot of students and fraternities. He did not want the ordinance aimed at restricting the youth in the community and voiced concern that the "temporary uses" events could have the perception of being "age-discriminatory."

Commissioner Grippa moved and was duly seconded by Commissioner Thaell to approve Option 1 with the amendment as underlined: Conduct the second and final Public Hearing and adopt the recommended revisions to the County's Temporary Uses Regulations; amend the Ordinance, Subsection A, to reflect that no structure or equipment can be within 1,000 feet of any residential property at all times; and that staff meet with individual Commissioners to consider more restrictions. The motion carried unanimously, 6/0 (Commissioner Winchester was out of chambers).

See attached Leon County Ordinance Number 03-37:

42. Second and Final Public Hearing on a Proposed Ordinance Amending the Land Development Code to Address Protection of Cultural Resources

Pursuant to legal advertisement, a public hearing was conducted to adopt a proposed ordinance (Cultural Resources Ordinance) amending Leon County's Land Development Code (LDC) to better define cultural resources and to set forth protection standards for significant cultural resources.

Commissioner Maloy moved and was duly seconded by Commissioner Rackleff to approve Option 1: Conduct the second public hearing and adopt the proposed ordinance amending the Land Development Code to address protection of Cultural Resources.

The Board engaged in discussion and voiced the following concerns:

- Substantial change to flood plane without explanation of how it impacts the regulatory measure
- Analysis of specific issues that are not related to the cultural resources portion of the ordinance
- The ordinance does not address the Belle Aire Cemetery and easement, and the graveyard across from Summerbrooke Subdivision
- Ordinance was vague
- Definition of cultural resources should be specific
- Is it unlawful delegation of authority for the County Administrator to make a determination of a cultural issue?
- Consider a cultural commission
- Ordinance specifies "cultural" but it affects environmental issues
- Suggested deletion of "shall expedite" the County's resolution of the matter in an effort to minimize interruption or delay of lawful development activities affected by the discovery," Attachment 1, page 5 of 9 (3). Language leans towards development rather than towards determination of a cultural resource (such as a cemetery)
- Ordinance contains the word "may" in areas where it should contain "will or shall"

Commissioner Grippa moved a substitute motion, seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Thaell was out of Chambers), to continue the public

hearing to January 13, 2004 at 6:00 p.m. and ask staff to define any definition changes that relate to environmental changes and not cultural. The Chairman asked that staff address the issues raised tonight. (Later in the meeting, Commissioner Thael requested that his vote reflect affirmative on this item.)

43. Second and Final Public Hearing on a Proposed Ordinance Amending the Land Development Code's (LDC) Environmental Management Act to Provide for a Redevelopment Ordinance

Pursuant to legal advertisement, a public hearing was conducted on the proposed Redevelopment Ordinance amending the Leon County Code of Laws relating to the Environmental Management Act.

The current LDC defines redevelopment as demolition or removal of the principle structure or 50 percent or more of the impervious surface existing on a site. If a site qualifies for redevelopment, then all the requirements of the EMA apply. The proposed Redevelopment Ordinance provides for reduction of landscaping and rate control requirements. The agenda request, under the Analysis Section describes the proposed revision to the LDC by sub-section.

The Board engaged in a lengthy discussion regarding the application of the ordinance to the proposed Sam's (Wal-Mart) site on North Monroe Street. John Kraynak, GEM, explained that the ordinance would apply to the Sam's Club site if they tear out the principal structure and start from scratch, which they probably would do. The main focus of the ordinance is to provide incentive so that redevelopment can occur (such as more landscaping) and the current stormwater standards for water quality, which is the 50-year retention standard, and rate control would apply. Mr. Kraynak pointed out that the Stormwater standards would still be there to protect Lake Jackson and all the preservation features that are protected by the Comprehensive Plan and the Code also apply.

The Board inquired if the ordinance applies to Bradfordville. Mr. Kraynak explained that the redevelopment ordinance applies countywide and would have to meet stormwater standards, depending on which stormwater standard applies. Bradfordville has a 4-inch standard; Walmart (Sam's Club) would have to meet the 50-year retention standard of Lake Jackson. The main incentive is the landscape portion, which has been difficult for sites who wish to develop, particularly regarding the 50-75 percent

impervious, where front set back requirements and front perimeter landscape requirements cannot be met - that is why there is a 50-percent reduction in those areas.

County Attorney Thiele explained that the proposed ordinance would not impact any of the Bradfordville agreements that the County has entered into. If there was a project in Bradfordville that was eligible for redevelopment, it could have some impact on that. Mr. Thiele pointed out that the Bradfordville Sector Plan is essentially applicable to raw land.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried 6 – 1 (Commissioner Proctor voted in opposition), to approve Option 1: Conduct the second public hearing and adopt the proposed Redevelopment Ordinance, amending the Leon County Code of Laws relating to the Environmental Management Act. See attached Leon County Ordinance Number 03-38:

44. Second and final Public Hearing on a propose ordinance Amending the Land Development Regulations Adopting the Neighborhood Boundary Office

Pursuant to legal advertisement, a public hearing was conducted to adopt a proposed ordinance amending the Land Development Regulations, providing for the Neighborhood Boundary Office Zoning District. The proposed amendment implements Comprehensive Plan Text Amendment 2003-1-T-006, which created the Neighborhood Boundary Future Land Use Category. The new Neighborhood Boundary line use category would alleviate concerns expressed regarding the protection of neighborhoods from visual, vehicular traffic, noise, and other impacts associated with non-residential development and/or higher density residential development.

Gregg Patterson, 2770 Thornton Road, CONA, appeared and spoke about the need to protect neighborhoods from further decline and suggested that the proposed ordinance may result in a domino effect.

Commissioner Grippa moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Conduct the second public hearing and adopt the proposed Ordinance amending the Land Development Regulations to provide for the Neighborhood Boundary Office Zoning District (NBO).

See attached Leon County Ordinance No. 03-39:

45. First and Only Public Hearing on a Proposed Ordinance Amending Chapter 10, Leon County Code of Laws, to Conform to Bylaw Changes for the Tallahassee-Leon County Planning Commission

The bylaw amendment is proposed to ensure compliance with standards for appointed committee bylaws established by the Leon County Attorney's Office, reconcile discrepancies between the bylaws and the Leon County Code and the City of Tallahassee Code, and to make necessary revisions to reflect changes in the "appeal" processes that have occurred within recent years, as well as to clean up any minor changes.

Commissioner Grippa moved, duly seconded by Commissioner Thaell and carried unanimously, 7/0, to approve Option 1: Conduct the first and only Public Hearing and adopt the proposed Ordinance amending Chapter 10, Leon County Code of Laws, to conform to Bylaw Changes for the Tallahassee-Leon County Planning Commission. See attached Leon County Ordinance No. 03-40:

46. Public Hearing for the Pre-Application for Authorization of a Service Area to Operate a Sewer System Serving Properties Located Along Beech Ridge Trail

Pursuant to legal advertisement, a public hearing was conducted. The Talquin Electric Cooperative, Inc., has applied to the Board for authorization of a service area to operate a sewer system serving properties located along Beech Ridge Trail.

Commissioner Grippa motioned, duly seconded by Commissioner Proctor and carried unanimously, 7/0, to approve Option 1: Conduct the Public Hearing and authorize a service area to operate a sewer system serving properties located along Beech Ridge Trail.

47. First and only Public Hearing on the Utilization of the Uniform Method of Collection for the Winfield Forest 2/3-2/3 Project

Pursuant to legal advertisement, a public hearing was conducted regarding the adoption of a Resolution of Intent to utilize the Uniform Method of collection special assessments for the Winfield Forest Subdivision 2/3 - 2/3 assessment liens.

Commissioner Thael moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1: Conduct the Public Hearing and adopt the attached Resolution Number R03-74 of Intent to Utilize the Uniform Method of Collecting Special Assessments for Winfield Forest Subdivision 2/3-2/3 project and authorize the Chairman to execute. See attached Resolution No. R03-74:

At this time the Board returned to General Business.

Citizens to be Heard on Non-Agendaed Items

Rabbi Schneur Z. Oriechman, 2093 Greenwood Dr., Chabad Center of Tallahassee, appeared and requested that the County approve funding of \$10,000 to purchase a Menorah to be displayed in front of the Courthouse.

Senior Assistant County Attorney Patrick Kinni reminded the Board of the memorandum the Board received from his office regarding the placement of a Menorah at public buildings and using public funds to purchase the Menorah.

Commissioner Grippa moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Proctor was out of chambers), to waive the Rules of Procedure and discuss the funding request.

Commissioner Grippa moved and was duly seconded by Commissioner Thaell to allocate up to \$7,000 from the General Contingency Fund to share in the cost of purchasing a Menorah to be placed in front of the Leon County Courthouse.

Commissioner Proctor moved a substitute motion, seconded by Commissioner Sauls (Vice-Chairman Thaell assumed the Chair) to follow the advise of the County Attorney and not share in the cost of purchasing a Menorah since State Statutes prohibit expenditure of County funds for the purchase of religious symbols. The motion failed 2 – 5 (Commissioners Thaell, Maloy, Winchester, Rackleff and Grippa voted in opposition).

The original motion on the floor, to allocate up to \$7,000 for the purchase of a Menorah, carried 5 – 2 (Commissioners Sauls and Proctor voted in opposition).

Discussion Items by Commissioners

Commissioner Grippa

- a. Requested that staff determine if an indemnification is needed for a vacated easement.
- b. Requested to agenda a mid-year funding request from Matt Pena, Lincoln High School JROTC.

- c. Asked that staff agenda the Water Quality Report on Killearn Lakes and the fecal matter.
- d. Asked if the County had budgeted money for a Teen Center. Alan Rosenzweig, Office of Management and Budget (OMB), responded that the Teen Center would be discussed during the FY 04-05 budget meetings.
- e. Requested the leveling of the brick walkway across Miccosukee Road that marks the beginning of the Greenway Trail. Commissioner Grippa then withdrew the request.
- f. Requested an agenda item to discuss the appointments to the Enterprise Development Zone Agency Board (EDZA), determining the length of terms for the Chairman and the Vice-Chairman. A memorandum was distributed regarding the issue.

Senior Assistant County Attorney Patrick Kinni advised that the issue would need to be reviewed for further clarification. After the issue is clarified, staff would determine if the item should be placed on the agenda.

Commissioner Proctor

- a. Requested a resolution for former Godby student, LSU student-athlete Brian Johnson (GEM Director Gary Johnson's son), in recognition of LSU's playing for the National Championship.
- b. Requested that staff review the vote of the School Board member to reduce the number of members on the MPO (Metropolitan Planning Organization).
- c. Requested that the County support the Martin Luther King, Jr. Holiday celebration on January 14, 2004, to be held in the Courthouse.

Commissioner Rackleff

Extended sympathy to the family of Volunteer Firefighter Mike Goodwin, who recently died of cancer.

Commissioner Winchester

- a. Requested that staff review and agenda the issue of DOT not being able to meet the stormwater standards on the U.S. 27 Improvement Project.

- b. Distributed copies of a newspaper headline from a Cairo newspaper and asked the Board to consider whether he should meet with Grady County officials or schedule a joint meeting with Grady County Board of County Commissioners.

Commissioner Maloy

Requested to waive the Rules of Procedure to discuss a funding request. Commissioner Maloy moved, duly seconded by Commissioner Thael and carried 6 – 1 (Commissioner Grippa voted in opposition), to waive the Rules of Procedure to bring up a funding request.

Commissioner Maloy moved and was duly seconded by Commissioner Thael to approve the \$5,000 funding request for the Capital City Basketball Classic. The motion failed 1 – 6 (Commissioners Sauls, Thael, Proctor, Winchester, Rackleff and Grippa voted in opposition).

Commissioner Thael

- a. Requested that appointments to the Cultural Resources Commission be placed on the January 13, 2004 agenda.
- b. Requested that the County Attorney's Office provide direction on legal procedures needed to adopt a resolution for a newly constituted MPO.
- c. Asked that staff provide a contingency plan for payment of Commissioner Maloy's attorneys fees, and requested a moratorium on expenditures from General Contingency Fund.
- d. Asked about the substance that hangs on the Courthouse ceiling on level P4 and wanted to know if it was dangerous to health. Tom Brantley, Facilities Management Director, explained that it was a fireproofing compound and it was not harmful.
- e. Requested that minutes of the Civic Center Board Authority meetings be provided.

Chairman Sauls

Announced that Commissioners were overpaid by \$847 for November and the overpayment would be adjusted in the December paycheck.

There being no further business to come to the Board, the meeting was adjourned at 11:50 p.m

APPROVED: _____

Jane Sauls
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court

Adjourn

11:51 p.m.